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ABSTRACT

This document analyzes the two main indigenous groups in the south of the Philippines. It outlines the history of the Lumad and Moro communities of Mindanao. The document discusses the effects of development and business interests in the region, and their campaigns around land issues. The Lumad and Moro accept the need to develop new sources of energy, but ask that their ancestral lands, and their ability to manage them in line with sustainable development, be recognized and respected. Both groups have maintained distinct and enduring identities in the face of Spanish and U.S. colonization, and the policies of the predominantly Christian Philippines government. The Lumad retain traditional beliefs and customs, while the Moro have embraced Islam. Inextricably linked is the 20 year old war of attrition the government has waged with the Moro National Liberation Front. The booklet contains a glossary at the beginning of the document. This is followed by a brief political history of the Philippines as background. The second chapter is an introduction to the Lumad and Moro groups of Mindanao. The next four chapters describe the Moro's struggle for self determination, Lumad objection to the Philippine National Oil Company's plan to drill geothermal wells in the area of the dormant volcano of Mount Apo, the Agus I hydroelectric plant, and prospects for problem resolution and peace. A chapter on directions for the future is included. Includes 40 references, 3 maps, and 70 notes. (DK)

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MINORITY RIGHTS GROUP INTERNATIONAL

ED 369 694

THE LUMAD AND MORO OF MINDANAO

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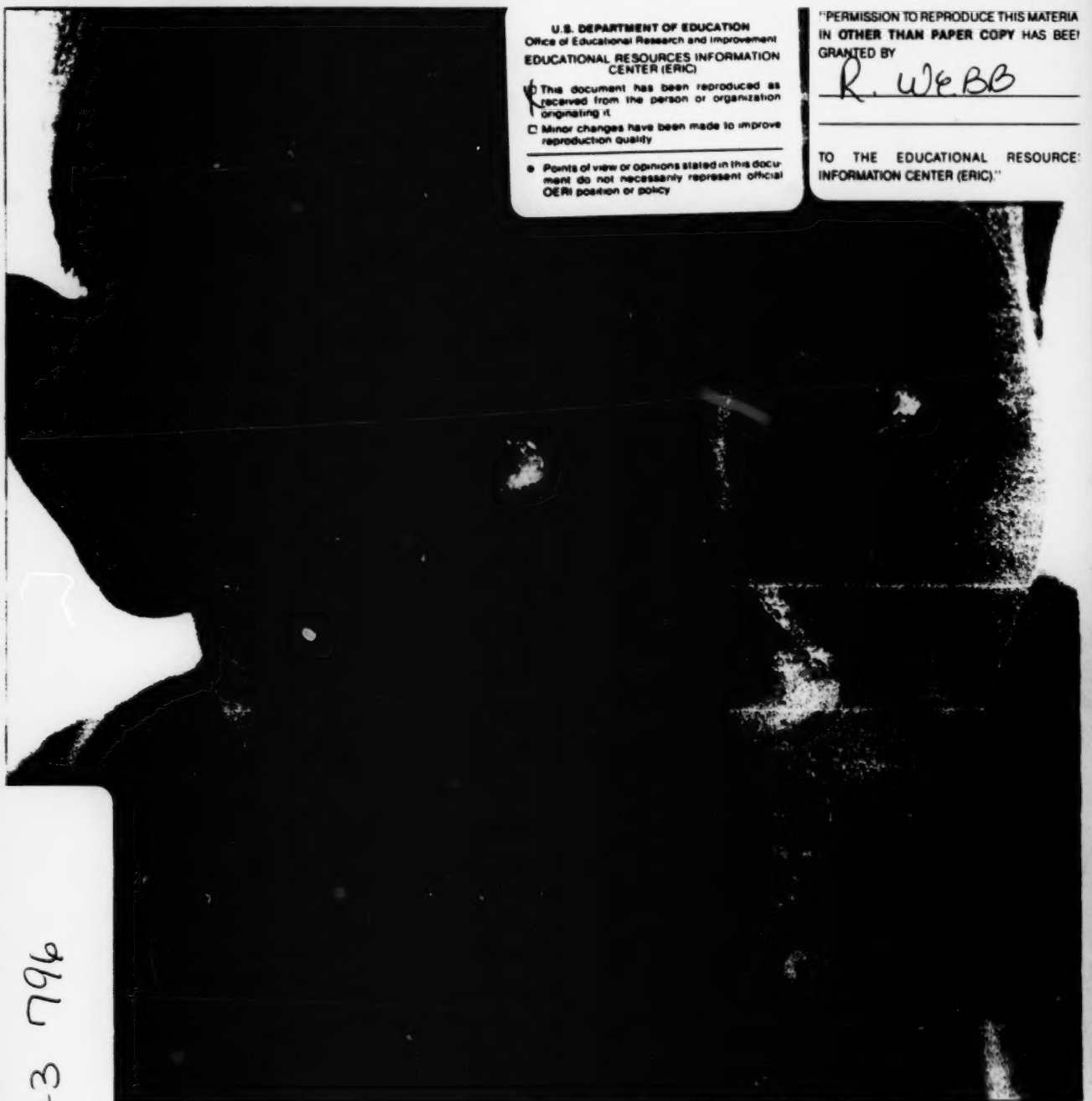

SO 023 796

BY B. R. RODIL

MRG

MINORITY RIGHTS GROUP

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To secure justice for minority or majority groups suffering discrimination, by investigating their situation and publicising the facts as widely as possible, to educate and alert public opinion throughout the world;

To help prevent, through publicity about violations of human rights, such problems from developing into dangerous and destructive conflicts which, when polarised, are very difficult to resolve; and

To foster, by its research findings, international understanding of the factors which create prejudiced treatment and group tensions, thus helping to promote the growth of a world conscience regarding human rights.

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Magindanao evacuee from Mindanao, 1992

NANA BAXANI/OXFAM

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THE LUMAD AND MORO OF MINDANAO

BY B. R. RODIL

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UNITED NATIONS COVENANT ON CIVIL AND POLITICAL RIGHTS 1966

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 4

5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

INTERNATIONAL LABOUR CONFERENCE, CONVENTION CONCERNING INDIGENOUS AND TRIBAL PEOPLES IN INDEPENDENT COUNTRIES, Convention 169

Article 14

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

UNITED NATIONS DRAFT UNIVERSAL DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

9. The right to revive, use, develop, promote and transmit to future generations their own languages, writing systems and literature.
10. The right to all forms of education, including access to education in their own languages, and the right to establish and control their own educational systems and institutions.
23. The collective right to autonomy in matters relating to their own internal and local affairs, including education, information, mass media, culture, religion, health, housing, social welfare, traditional and other economic activities, land and resources administration and the environment, as well as internal taxation for financing these autonomous functions.

UNIVERSAL ISLAMIC DECLARATION OF HUMAN RIGHTS, 1981

X Rights of Minorities

a. The Qur'anic principle, 'There is no compulsion in religion' shall govern the religious rights of non-Muslim minorities.
b. In a Muslim country, religious minorities shall have the choice to be governed in respect of their civil and personal matters by Islamic law, or by their own laws.

PREFACE

The experience of the Lumad and Moro of Mindanao has a critical bearing on issues which are of continuous concern to Minority Rights Group. The Lumad and Moro are indigenous peoples who have been systematically deprived of control over their ancestral lands and forced to make room for settlers from elsewhere. They are peoples of distinct and enduring identities who have been the target of education programmes and missionary activities by the majority Christian population. The central government has largely excluded them from development plans for their ancestral lands, which are rich in natural resources. There are urgent lessons to be learned in Mindanao from the repeated failures of first the colonial administrations, and then the Philippine government, to halt the pattern of armed conflict and costly militarization with accompanying deterioration of civilian daily life.

There has been a tendency among colonial administrators and historians to classify, document and thereby marginalize indigenous peoples. The Lumad and Moro resist this process and have told MRG that they have a distinct 'allergy' to the label 'minority'. In an attempt to reverse this process, MRG has commissioned B. R. Rodil to describe the situation in which these two peoples find themselves. Professor Rodil comes from the Tiruray Lumad community and is a member of the faculty of the Department of History of the Mindanao State University in Iligan City. It was not possible to include all the evidence of his research in the scope of this report. However, he has written at greater length about the peoples of Mindanao in his book, *Two Hills of the Same Land* (published under the pseudonym Rad D. Silvar).

MRG has worked and will continue to work with local partners to inform and educate others about the situation of the Lumad and Moro and to promote just and peaceful ways forward. Thus, the manuscript of this report was reviewed by ten expert readers in the Philippines, and elsewhere, and was the subject of a special meeting of members of the Lumad umbrella organization, Lumad/Mindanaw. Professor Ed Garcia of the Department of Political Science, University of the Philippines, contributed to the completion of the project, including the historical overview.

The Lumad communities, who have retained their indigenous beliefs, and the Islamized Moro communities are distinct and heterogeneous. These peoples have shown themselves to be enduring in the face of Spanish and US colonization, and the policies of the predominantly Christian Philippine national government.

The Philippines is a country with a low per capita income and a growing and land-hungry population. The government is faced by a worsening energy crisis, and urgent demands to provide shelter and means of subsistence for thousands of Filipinos displaced by natural disasters and civil war. Mindanao and the rest of the southern archipelago form one-third of the territory of the Philippines, and have an even greater share of its 'development' potential. The exploitation of Mindanao's abundant natural resources has heightened the conflict between the government's development plans and the interests of the indigenous Lumad and Moro inhabitants.

While recognizing the urgency of the government's quest for sources of energy, the indigenous communities have repeatedly asked that the government and international development agencies respect their ancestral domain and their proven skill in sustainable management of natural resources. To the Lumad tribe of the Bagobo, Mount Apo is a sacred mountain. In the view of the Philippine National Oil Company, it is a vast store of geothermal energy waiting to be tapped. The Agus River hydroelectric project, which particularly affects the Maranao people, has exacerbated tensions between the Moro and the Philippines government. In the face of increasing militarization by the government and diminishing outlets for political participation in such development plans, there are more frequent armed confrontations between the national forces and protesters.

The conflict over major development projects is inextricably linked with the historical struggle for political control within Mindanao. Since 1972 the Philippine government has been engaged in a 'war of attrition with the Moro National Liberation Front (MNLF). The continuing conflict takes its toll on Lumad, Moro and Christian lives in the south, and prevents the inhabitants of Mindanao from enjoying the security and prosperity of peaceful coexistence. Many inhabitants have suffered displacement within Mindanao; more than 100,000 Moro have sought refuge in the Malaysian state of Sabah; and others have joined the migrants seeking work in the Arab Gulf states, where Moro women form a significant proportion of the female labour force.

The polarization of the inhabitants of Mindanao around their religious identities, and attacks upon civilians from all communities, have affected the relations of the Philippines with states in the Association of South East Asian Nations (ASEAN). These developments have also aroused protests from members of the Organization of Islamic Conference (OIC).

Whatever support it may receive, the MNLF faces the intractable problem that most people in the contested area are not Muslim and do not share its Islamic goals. If this war of attrition is to cease, the Christian majority must allow for the development of Lumad and Muslim organizations with the capacity for cohesive, purposeful action. Only then will it be possible to achieve equitable negotiations and to determine how the inhabitants of Mindanao (Lumad, Moro and Christian, indigenous and non-indigenous) can coexist peacefully.

This report concludes with a series of Directions for the Future which are being presented to the government of the Philippines, the ASEAN and OIC states, and the international community, especially those involved in development aid. The Lumad and Moro have distinct histories and different political aspirations which all interventions should take into account. At the very least, the Lumad and Moro peoples should be afforded the rights provided for in the International Agreements such as those cited on page 4. MRG's Directions for the Future are not all-inclusive, but they are intended to act as a guide to good practice and as benchmarks for measuring achievements.

Alan Phillips, Director
July 1993

GLOSSARY

of terms used in this report

Abaca Banana tree native to the Philippines, yielding fibre from its leafstalk.

AFP Armed Forces of the Philippines.

ALUHAMAD Acronym for Alliance of the Lumads in Southern Mindanao for Democracy, a sub-regional organization of Lumad Mindanaw.

Bangsa Concept of 'statehood' for the Moro peoples.

Barangays Clan communities established as coastal settlements by the earliest migrants from Indonesia and the Malay archipelago.

BMA Bangsa Moro Army.

CNI Commission on National Integration.

Corvée (labour) Unpaid labour in lieu of taxation.

Datu Moro version of the headman. The *datu* system provided cohesive social organization among the Moro.

DECS Department of Education, Culture and Sports.

EDCOR Economic Development Corporation.

HUK Philippine insurgent organization prominent in the late 1940s and early 1950s.

ICC Indigenous cultural communities. The appellation for the indigenous communities currently adopted in official documents.

Igorot Largest grouping of indigenous communities in the Philippines, located in northern Luzon.

Kaduma Meaning a 'companion'. Adopted as an acronym by the Organization of the Lumad People's Support Group and Die-Hard Sympathizers.

Lumad Collective name for the 78 indigenous communities of Mindanao.

Lumad Mindanaw Collective organization based in Davao City, Mindanao, representing the Lumad.

MILF Moro Islamic Liberation Front, a faction of the MNLF (q.v.).

MIM Muslim Independence Movement; later changed to Mindanao Independence Movement.

MNLF Moro National Liberation Front.

Moro Collective name for the 13 Islamized groups of Mindanao and the Sulu archipelago.

NAPOCOR National Power Corporation.

NARRA National Resettlement and Rehabilitation Administration.

NLSA National Land Settlement Administration.

NPA New People's Army.

NPC National Power Corporation.

OIC Organization of Islamic Conference.

PANAMIN Philippine Presidential Assistant on National Minorities.

PNOC Philippine National Oil Company.

PNP Philippines National Police.

Rattan Climbing plant used for canes and wickerwork.

Regalian doctrine Spanish colonial device whereby the King of Spain or the Spanish state was invested with the authority to dispose of land according to the laws of Spain.

SALAM Save Lanao Lake Movement.

A BRIEF POLITICAL HISTORY OF THE PHILIPPINES

Spanning a length of nearly 1,850 kilometres and a breadth of 965 kilometres, the Philippines is made up of some 7,107 islands of which only about a thousand are populated. To the north and west, it is cradled by the South China Sea; to the east, by the Pacific Ocean; and to the south, by the Celebes Sea and the coastal waters of Borneo.

The Philippines is divided into three major island groupings: Luzon, the Visayas and Mindanao. Of these the largest is Luzon and the smallest is the Visayas. Mindanao, despite its being only the second largest, shows the greatest variety of landform development, consisting of high and rugged mountain ranges, volcanic peaks, plateaux and swampy plains.

A majority of the Filipinos are Malay-brown. A much smaller percentage are dark, like the Negritos or Aeta of Luzon, the Batak of Palawan and the Mamanwa of Mindanao. Lowland peoples first came to the Philippine shores from the islands of the Malay archipelago and Indonesia in kinship groups later called *barangays*. The relationship between these basically self-sustaining and mutually independent groups helps explain the country's many languages.

Strategically located as a gateway to South-East Asia, the Philippines has been exposed to much of the trade and culture of the Asian, Pacific and Occidental worlds. Substantial trade took place with Chinese merchants, some of whom opted to stay behind and intermarry. Islam is estimated to have reached Philippine shores in AD 1280 through contact with Muslim merchants and/or missionaries. As a result, the Philippines, specifically its Muslim principalities, had already attained a high level of political development before the Spaniards came.

The Spaniards first set foot on the islands in 1521 and named them 'Las Islas de Filipinas' (the Philippine Islands) after King Philip II of Spain. This served to string thousands of islands together into the archipelago the world now calls the Philippines. Over the course of their stay, however, the Spaniards were never able to put the archipelago entirely under their control.

Revolutionary aspirations eventually forced out the Spaniards in 1898, but the victory was short-lived. Also in 1898, the country was ceded by Spain to the United States of America under the Treaty of Paris. Thus started the Philippines' long relationship with the USA. In March 1934 the US Congress passed the Tydings-McDuffie Act providing for Philippine independence after a ten-year Commonwealth period. Interrupted by the Japanese occupation, US rule eventually ended with the Filipinos achieving formal independence in 1946. However, the close ties between the two countries remained, especially as a result of the Bases Treaty permitting the USA to operate military installations in the country. This undermined the ability of successive governments to come up with independent political decisions and thus compromised the country's sovereignty.

The foreign colonial experience left behind numerous problems. One of the major issues was the growing gap between the nation's rich and poor. Agrarian unrest eventually erupted into an armed challenge in central Luzon in the late 1940s and early 1950s.

Settled temporarily during the Magsaysay administration with the arrest of dissident leaders, unrest emerged once again in the early 1970s as students, workers and farmers participated in the 'First Quarter Storm' which ushered in a turbulent period in Philippine history. The Marcos administration responded by suppressing civil liberties, declaring martial law on 21 September 1972. Many from the political opposition were gaoled, while countless others disappeared. But this political suppression led to the rise of two insurgencies. With numerous disgruntled people from the countryside as its social base, the Communist Party of the Philippines (CPP) was formed, with the New People's Army (NPA) as its armed component. At the same time, demands for regional autonomy and even secession came from the Muslims of Mindanao and the indigenous peoples of the Cordilleras, both of which groups felt marginalized and were convinced of a determined attempt by the Christianized majority to minoritize them. Among their armed components were the Moro National Liberation Front (MNLF), the Moro Islamic Liberation Front (MILF) and the Cordillera People's Liberation Army (CPLA).

By the early 1980s, many had come to believe that any improvement in the Philippine condition would have to start with the removal from power of the repressive Marcos regime. The assassination of the popular opposition leader Senator Benigno S. Aquino, which many believed was planned by top government figures, hastened the process and led to the popular uprising called the People's Power Revolution. Thus President Marcos was ousted from power, and the late senator's widow, Corazon Aquino, was elected President of the new government.

The Aquino administration faced the immediate task of addressing the nation's long-neglected problems. A nationwide ceasefire was called in December 1986, and peace talks were held. During this period, however, a group of farmers calling for the urgent implementation of a genuine agrarian reform programme were shot near the presidential palace, causing the talks to be suspended. The peace efforts collapsed, and the war in the countryside continued.

Gradually, over the intervening years, government policy indicated that many of the Aquino administration's promises were not going to be kept. The Comprehensive Agrarian Reform Program, for example, which was to be the administration's centrepiece programme, was formulated by a landlord-dominated Congress which was protective of its own interests. At the same time, human rights abuses continued to be an issue, and nearly half of the Philippine population lived below the poverty threshold.

During this period, military renegades launched six coup attempts, effectively reversing the economic recovery achieved by the country. A string of serious natural

disasters followed, including an earthquake in central Luzon, a flood in Leyte and the eruption of Mount Pinatubo in Pampanga. Coping with these events used up much of the government's time and resources, and set back the gains made through the peace efforts.

The expiry of the US Bases Treaty in September 1991 was a turning point for the country. The Philippine Senate's rejection of a new treaty freed the nation from the last vestiges of its colonial past.

In May 1992, Fidel V. Ramos was elected the country's President. The same problems as before confront the Ramos administration. While it has established the National Unification Commission to tackle the task of negotiating a political settlement with the armed groups in the country, it is too early yet to determine the prospects for peace.

THE LUMAD AND MORO OF MINDANAO: An Introduction

The indigenous peoples of the Philippines make up 10 per cent of the estimated total national population of 65 million. The two indigenous groups with which this report is concerned are the Lumad and the Moro. Between them they regard themselves as the original inhabitants of the greater part of the large island of Mindanao and the Sulu archipelago in the south (see map, page 19). This is a summary of their origins, their struggles to prevent the dispossession of their ancestral domains, and their present efforts to achieve self-determination.

Position in Philippine Society

The name Lumad means 'indigenous' in the language of the island of Cebu in the central Philippines, and was adopted as their collective name by 78 ethnolinguistic groups at a congress held in Cotabato in June 1986. At the same time, Lumad Mindanaw was formed as their representative body, with the declared objective of working 'for the recognition and defense of the Lumad people's rights to ancestral homeland, for survival and for self-determination'.

Moro is the collective name for the 12 Islamized ethnolinguistic groups. Spanish for 'Moor', the word *moro* was formerly regarded as derogatory until adopted by the Moro National Liberation Front (MNLF). The MNLF came to prominence in November 1972 following the declaration by President Marcos of martial law. Subsequently, two factions split from the MNLF: the Moro Islamic Liberation Front (MILF) and the MNLF Reformists Group.

The Lumad and the Moro are officially referred to as 'indigenous cultural communities', while they are popularly called 'cultural minorities' or 'Tribal Filipinos', especially by the various Christian churches. The terms 'indigenous communities' and 'indigenous peoples' will be used in this report.

An official listing of all indigenous communities was prepared by the Commission on National Integration (CNI). Together, Luzon and the Visayas (north and central Philippines) account for 19 indigenous groups, while in Mindanao there are 27 groups: 10 Moro and 17 Lumad (see Table 1). In the study of these peoples, the matter of names and numbers is not a settled issue, and the census itself has never been consistent for reasons of inaccessibility and exclusion, distance and language.

The present majority-minority situation is a product of Western colonialism that has been carried over to the present. In the time of Spanish colonialism, it was largely an unintended product of the colonial order. During the period of US rule, it was the result of both the colonial order and colonial design. When the Republic of the Philippines assumed sovereign authority, the various administrations not only carried over whatever the Americans had left behind, they also institutionalized the position of cultural minorities within Philippine society. In the following section, we will see how the process came about.

TABLE 1

CNI Official Listing of indigenous communities in Mindanao-Sulu

Lumad		*Moro*	
1	Ata or Ataas	1	Badjao
2	Bagobo and Guiangga	2	Magindanao
3	Mamanwa	3	Iranun or Ilanun
4	Mangguangan	4	Kalibugan
5	Mandaya	5	Maranao
6	Banwa-on	6	Pullun Mapun
7	Bilaan	7	Samal
8	Bukidnon	8	Sangil
9	Dulangan	9	Tausug
10	Kalagan	10	Yakan
11	Kulaman		
12	Manobo		
13	Subanon		
14	Tagabili		
15	Tagakaolo		
16	Talandig		
17	Tiruray or Teduray		

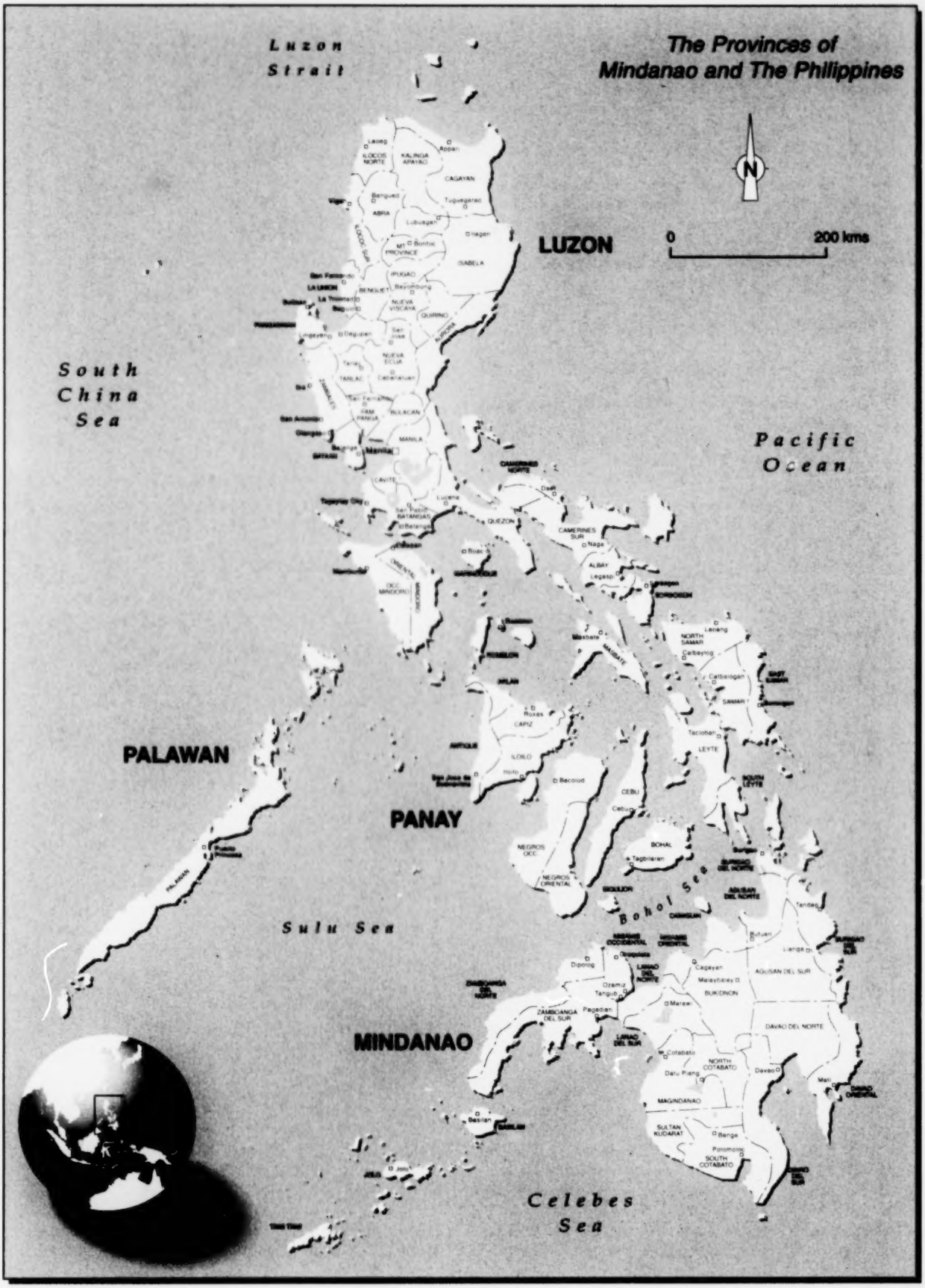
Note: The table shows only ten Moro groups because two of these groups live in Palawan. A third group, the Kalagan in Davao del Sur, are partly Muslim and partly non-Muslim. The Badjao are generally not Muslims but have often been regarded as part of the Islamic scene in the Sulu archipelago because of their identification within the realm of the ancient Sulu sultanate.

From: Clavel, Leothiny S., *They Are Also Filipinos*, Bureau of Printing, Manila, 1969, pp. 4-5.

Origins

There is incontrovertible evidence that the Lumad and Moro had lived continuously in their places of habitation since long before Spanish colonization was under way at the end of the 16th Century, and they continued without interruption until 1898. They were two of many population groups spread across the archipelago. These peoples first came to the Philippines from the islands of the Malay archipelago and Indonesia in clan communities or *barangays*. They rode in sailing vessels, which were also called *barangays*, and landed in different parts of the islands, settling both on the coast at river-mouths and in lowland riverside locations. Each *barangay* averaged from 30 to 100 families and was self-sustaining and independent from the others.

The territorial occupancy of the Moro, the Lumad and the indigenous groups who were later Christianized had three chief characteristics. First, they were generally the first to


The Provinces of
Mindanao and The Philippines
Luzon
Strait
LUZON
0
200 kms
South
China
Sea
Pacific
Ocean
PALAWAN
PANAY
Sulu Sea
Bohol Sea
MINDANAO
Celebes
Sea

arrive in what would become the Philippines. Where a group may have come to lands already inhabited, as in the case of the Moro among the Subanun in the Zamboanga peninsula, consent was obtained from the earlier occupants. Secondly, among the various groupings it was the clan, not necessarily the ethnolinguistic group, that had a tradition of communal ownership and control of its territory, although individual ethnolinguistic groupings did tend to live in contiguous areas. Lastly, their occupancy was continuous. Among the various ethnolinguistic groups, we know of no significant pre-colonial displacements from, or dispossession of, their ancestral domains.

Islamization

Islam came to the Malayo-Indonesian region and then Mindanao and Sulu through Muslim merchants or missionaries or both. As early as about 1280 a certain Tuan Masha'ika brought Islam to the Sulu archipelago and got married there. Thus monotheism first came to the Philippines two centuries before Spain brought Christianity. At the time of Spanish contact, the Muslim principalities were considered to be the most advanced communities in the entire archipelago, having developed a centrally organized social and political system inspired by the Qur'an. Most notable among these was the Sultanate of Sulu, whose origins date as far back as 1450. The sultanates were *de facto* states, exercising jurisdiction over both Muslims and non-Muslims; hence Moro lands were both ancestral and state territory.

The religious practice and the social system brought by Islam were radical departures from the animism prevalent among the many lowland peoples of the archipelago. Combined with this, the stimulus provided by the Muslim traders differentiated the Islamized communities significantly from the others. They traded actively with peoples of the other islands within the archipelago, and also with other South-East Asian countries, and China.

Today Islam is an essential part of Moro ethnicity, and a point of unity among the diverse ethnolinguistic groups – so much so that the concept of 'statehood' or *bangsa* has become a central part of Moro aspiration, embodied in the term Bangsa Moro (meaning 'Moro nation' or 'Moro people').

Spain and the USA

By 1565 permanent Spanish colonial occupation had begun in the islands, which were by now called 'Filipinas' after King Philip II of Spain. By the end of the Spanish regime in 1898 the various communities in the Philippines could be divided roughly into two groupings: those who were colonized (and Christianized) and those who were not. Those who remained uncolonized either fought and were never subjugated, or successfully evaded contact with Spanish forces. The first group, who resisted Spanish rule, consisted of the Moro of Mindanao and the Sulu and the Igorot of the Cordillera (in the north). The second group, who escaped contact, were those now known nationwide as Tribal Filipinos, but who prefer to call themselves Lumad in Mindanao. Ironically, it was the unconquered and uncolonized who became the 'cultural minorities' of the 20th Century. Those who were colonized became the Christians; they paid tribute and served as corvée labour and in the militias. As Christians, they also discovered a common identity and cause in the fact of an unjust Spanish colonial order. It was they who rebelled and gave birth to the Filipino nation and to the Republic of the Philippines in 1898. At that time their population was nearly 7 million,[1] while that of the uncolonized was approximately one-eighth of the total population.[2]

While the Moro and Lumad opposed Spanish ambition, Spain did manage to establish footholds in the eastern and northern parts of Mindanao, mainly through missionary efforts. As a result, by the 1890s there were nearly 200,000 Christians in Mindanao, largely converts from the indigenous communities, and some contraction of Moro sultanate jurisdiction occurred as a consequence. Predictably, this formed part of the Spanish basis for claiming the entire archipelago, and then ceding it to the USA in 1898.

The real displacement and dispossession process, however, was still to come. Between the years 1903 and 1935 of the US colonial period, US government records estimate that between 15,000 and 20,000 Moro died resisting the colonial presence. But loss of life was only one part of the havoc wreaked on the Lumad and Moro ancestral domains. The USA never recognized the existence of the Republic of the Philippines or any Moro sultanate. It insisted that there was no such thing as a Filipino nation, only a scattering of disunited tribal groups which it classified into 'civilized' and 'wild', or 'Christian' and 'non-Christian'. These labels later made their appearance in powerful laws affecting ownership and distribution of land and the disposition of natural resources. They also became the excuse for special government measures. While regular provinces and municipalities were formalized for the 'civilized', special laws and administrative machineries were created for the 'non-Christians'. Structures and labels constitute only one aspect of the story of minoritization. The more fatal aspect was that of legalized land dispossession, initiated and nurtured in colonial times, and sustained until the present.

The Problem of Landownership

After the discovery of the Philippine archipelago, the Spanish Crown claimed possessory rights over the islands. By this device, known as the Regalian doctrine, the king (or the state) reserved the right and authority to dispose of lands to the state's subjects and in accordance with its own laws. It was on the basis of this 'authority' that Spain ceded the entire archipelago to the USA through the Treaty of Paris in December 1898, including the unconquered lands of the Moro and Lumad. The USA, through the Philippine Commission, quickly institutionalized its authority to dispose of state domain by passing two laws: the Land Registration Act of 1902 and Act No. 718 of 1903. The first of these laws institutionalized the Torrens system, first introduced in South Australia through the Real Property Act of 1857-8.[3] This mandated and provided guidelines for the registration and titling of lands owned privately by individuals or by corporations. The second was an act 'making void land grants from Moro

sultans or *datus* (headmen) or from chiefs of non-Christian Tribes when made without governmental authority or consent'. It was now illegal for any indigenous leader to dispose of lands to any member of his or her community, regardless of whether or not this had been their practice since time immemorial.

Only individuals or corporations could apply to register privately owned lands. The word 'corporation' left no room for the concept of ancestral and communal land, which to the indigenous peoples was sacred and held in trust, and could not therefore be 'owned'. There was no provision in the law to register as indigenous territories those forest lands and bodies of water which were the sources of daily food and other needs, both physical and spiritual, and thus the people were dispossessed.

Settlement Programmes

Initiated by the US colonial government as early as 1912, settlement programmes were sustained and intensified during the Commonwealth period (1934-42) and picked up momentum after the Second World War. Altogether, there were a number of such programmes, of which the following is a selection:

Severe drought in Sulu and Zamboanga and grasshopper infestation in Davao between 1911 and 1912 adversely affected rice supply in Moro Province. This gave General John Pershing, who was then Governor of Moro Province, the excuse to call for 'the importation of homesteaders from the overpopulated Philippine areas'.[4]

The year 1913 saw the passage by the Philippine Commission of Act No. 2254, creating agricultural colonies aimed, officially, at enhancing the rice production effort already started in the Cotabato Valley. In its supposed attempt to integrate the various sectors of the population, distinct population groups were purposely mixed at the colonial sites. In Colony No. 2, for example, Cebuano settlers and Magindanao natives lived together. Strangely, the settlers were allotted 16 hectares each while the Magindanao were given only 8 hectares each.[5]

To avoid financing more colonies, the Manila government passed Act No. 2206 in 1919, which authorized provincial boards to manage colonies at their own expense. Lamitan in Basilan was thus opened by Zamboanga Province, Tawi-Tawi by Sulu, Marilog by Bukidnon, and Salunayan and Maganoy by Cotabato, between 1919 and 1926.[6]

No further significant government settlements were organized until 1935. Settlers nevertheless migrated either on their own or through the Inter-Island Migration Division of the Bureau of Labor. As a result, several settlement areas in Davao were developed.

The National Land Settlement Administration (NLSA), created by Commonwealth Act No. 441 in 1939, introduced new dimensions into resettlement. Aside from the usual objectives was the aim of providing military trainees with an opportunity to own farms upon completion of their training. The Japanese menace was strongly felt in the Philippines at this time, and this was an attempt by the government to strengthen national security. By the time the NSLA was abolished in 1950, a total of 8,300 families had been resettled from the north.[7]

In 1954 the National Resettlement and Rehabilitation Administration (NARRA) came into existence. NARRA administered a total of 23 resettlement areas, of which nine were in Mindanao and one in Palawan.[8]

A product of the Land Reform Code, the Land Authority took over from NARRA in 1963. For the first time, resettlement became part of the land reform programme. The creation of the Department of Agrarian Reform in 1971 also brought about the existence of the Bureau of Resettlement whose function was to implement the resettlement programme.[9]

The Economic Development Corps (EDCOR) was a special government programme to counter the upsurge of the HUK rebellion, and a brainchild of Ramon Magsaysay, then Secretary of National Defense under President Elpidio Quirino. This programme was responsible for opening resettlement areas for surrendered or captured *huks* (insurgents) in such areas as Lanao del Norte, North Cotabato and Magindanao. Those in Mindanao were carved out from the heart of Magindanao and Maranao ancestral territories.[10]

The formal resettlement programmes spawned the spontaneous influx of migrants who came on their own. It is estimated that more people came this way than through organized channels.

So, by the operation of the law, the Lumad and Moro found themselves squatters in their own homelands, those territories being increasingly occupied by streams of settlers from the north. Dispossessed, they became numerical minorities, and from being inhabitants of the plains they were forced into the forest areas, midlands and uplands. With or ahead of the settlers came plantations, cattle ranches, mining and logging operations and rattan concessions, not to mention development projects such as dams, hydroelectric and geothermal plants, highways, and the rest.

Population shifts: the case of Cotabato. To be able to appreciate the process of displacement among the indigenous communities, we can take the case of changing population in Cotabato over several census years. In 1918 the 'empire province of Cotabato' had a total of 172,000 inhabitants distributed over 36 municipalities and municipal districts. By 1939 the population had almost doubled, and in 1970 it had risen to over 1.6 million. This change can only be explained by the rapidity of the migration process. In 1918 the Muslims were the majority in 20 towns of Cotabato, the Lumad in five and the migrants in none. By 1970 the Muslims had only 10 towns to their name, and not a single one was left to the Lumad, although 31 towns had a Lumad population of less then 10 per cent, while the migrants had come to dominate 38 towns. This pattern has been repeated throughout Mindanao.

Big Business, Development and Displacement

Mindanao abounded in natural wealth. Both US military commanders and government administrators saw this very early in their stay in Mindanao. Leonard Wood, the first Governor of the Moro Province (1903-6), and John Pershing, his successor, acknowledged this. Wood is

recorded as having remarked that 'it is difficult to imagine a richer country or one out of which more can be made than the island of Mindanao'.[11] Both officials tried to influence amendments to the existing land laws in order to induce investors to move into the region. A great number of planters invested in Davao, both individual and corporate, chief among them being the Japanese corporations which transformed Davao into an abaca (hemp) province.[12]

After the Second World War, timber concessions delivered a devastating blow to the already precarious indigenous hold over ancestral territory. Logging became widespread in the region in the late 1950s and early 1960s. As a result of the settlement programmes, the indigenous populations retreated from their lands on the plains into the upland forest areas, and logging caught up with them there. By 1979 there were 164 logging concessionaires, mostly corporate, operating in Mindanao with a total concession area of 5,029,340 hectares, leaving virtually no room in the forest for the indigenous peoples. Indeed, the region's total area of commercial forest was estimated to be only 3.92 million hectares.[13] To ensure smooth operations, logging companies hired indigenous *datus* as chief forest concession guards.

Concessions such as these, granted without consideration for the rights of the communities living within the areas concerned, have been the prime cause of anguish and revolt. The Philippine constabulary chief, Brigadier General Eduardo Garcia, reported to the 1971 Senate committee investigating the deterioration of peace and order in Cotabato that 'the grant of forest concessions without previous provisions or measures undertaken to protect the rights of cultural minorities and other inhabitants within the forest concession areas is one of the principal causes of dissatisfaction'.

Furthermore, as a result of the government's attempt to reduce the country's dependence on imported oil, the administrations of presidents Marcos and Aquino undertook energy development projects tapping both water and geothermal resources. Notable among these are the Chico Dam project in the Cordillera, the hydroelectric projects along the Agus River, the Pulangi River projects, the Lake Sebu Dam project and the Mount Apo geothermal project.

Self-Determination

Unlike the Moro, no Lumad group has developed a centralized sociopolitical system such as the sultanate. At the turn of the century, Lumad communities were typically clan-sized and dependent on hunting, gathering and shifting agriculture for their livelihood. This is still largely the case, and it therefore explains the high vulnerability of the Lumad communities to external intrusion. The net effect of successful external intrusions has been that individual communities have lost control over their ancestral lands and their own lives. How do they feel about this loss of self-determination? A Tiruray from the town of Upi in Magindanao Province told a Senate committee in 1963:

> *'Years ago, settlers came waving in front of them a piece of paper called land title. Our ancestors did not understand it. But they did not want trouble and the mountains were still vast and unoccupied. And so they fled up, leaving precious and sacred roots behind . . . We have nowhere else to go now. The time has come for us to stop running and assert our right to the legacy of our ancestors.'*[14]

Zeroing in on the effects of government on the Manuvu', a Lumad people of central Mindanao, Dr E. Arsenio Manuel observes:

> *'Actual abridgement of customary practices has come from another direction, the national laws. The cutting of trees so necessary in making a clearing is against forestry laws, the enforcement of which is performed by forest rangers or guards. Logging companies, to protect their interests, have taken the initiative of employing guards who are deputized to enforce the forest laws. So enforcement of the same runs counter to native practices so basic to the economy system of the Manuvu'. The* datus *are helpless in this respect.'*[15]

Many Christian land-seekers, following the path of the loggers, purchased tribal lands for a pittance. The *datus*, even when they had control over the membership of councils in their areas, were unable to annul such sales, which were usually contrary to tribal laws. Nor was tribal land the only casualty in the displacement process, as native ways, laws and institutions tended to be replaced by new ones.[16]

The Moro fared only slightly better than the Lumad in that they were able to retain more territory in their hands by comparison. But as the figures indicate, they too lost substantial territory, despite longer experience in centralized leadership.

To sum up, where the Lumad once exercized control over a substantial territorial area encompassed in the present day's 17 provinces, they now only constitute, according to the 1980 census, the majority in only 7 municipalities. And where the Moro once had jurisdictional control over an area covered today by 15 provinces and 7 cities, they are now left with only 5 provinces and 13 municipalities.

After Marcos fell from power, a commission was created to draft a new democratic constitution. Lumad Mindanaw, the umbrella organization representing 78 Lumad groups, actively campaigned for the rights of indigenous peoples to be included. Their and others' initiatives have resulted in vital provisions being directly made for the Bangsa Moro ('Moro nation') and for indigenous communities all over the country.

Two significant sections may be cited here. Section 5 of Article XII of the 1987 Constitution states:

> *'The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being . . . The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.'*

The other provision is section 17 of Article XIV (Education, Science and Technology, Arts, Culture and Sports), as follows:

'The State shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national plans and policies.'

Whether these gains can actually deliver results still remains to be seen, as the state still asserts possessory rights in contradiction to its recognition of ancestral domain. This nullifying effect has been concretely illustrated in the definition of ancestral domain in the Organic Act for the Autonomous Region in Muslim Mindanao; here the definition of ancestral domain early in the first paragraph is neutralized in the latter part of the same paragraph where the state asserts its possessory right.[17]

THE JOURNEY TOWARDS MORO SELF-DETERMINATION

Aside from their being Muslims, the Moro people are especially proud of two accomplishments. First, long before the Spanish colonizers arrived in the Philippine archipelago, they enjoyed the benefits of a centralized social system as exemplified by the Sulu sultanate, which dated back to 1450, and the Magindanao sultanate, which though founded only in 1619 was preceded by the two powerful principalities of Magindanao and Buayan in the Pulangi Valley. Secondly, they were singularly successful in maintaining their freedom against repeated Spanish attempts to subjugate them for 333 years.

Triumph of Western Colonialism

Like the rest of the inhabitants of the archipelago, however, the Moro became victims of the machinations of two colonial powers at the turn of the century. With the signing of the Treaty of Paris, all inhabitants of the islands became colonial subjects of the United States. This was done with one stroke of the pen, figuratively speaking. Subsequent US moves were designed to clear away all forms of opposition to the assertion of US rights of possession and the establishment of US colonial rule. In the case of the Moro people, the direction was towards assimilation with the general body politic, which in this instance was oriented around the Filipino identity.

Thus began a radical change in Moro life which quickly led to their minoritization. Moro leaders' recognition and acknowledgement of US sovereignty shifted centres of authority from them to US officials and institutions. Control over land and its disposition became the sole prerogative of the state. Private property prevailed over communal ownership. Enforcement of civil power became the exclusive domain of police institutions, more specifically the Philippine constabulary.

Moro Resistance

There was widespread armed resistance against the US presence during the first 15 years, despite compromises by Moro leaders, notably the Sultan of Sulu, Datu Piang of Magindanao and Datu Mandi of Zamboanga. Between 1903 and 1936 an estimated 15,000 to 20,000 Moro were killed in this fighting, according to US records. In the words of one US officer: 'No one dreamed that the Constabulary was to engage in hundreds of "cotta" (fort) fights and to quell twenty-six uprisings of sufficient seriousness to be listed as "campaigns" before it turned over the task of establishing law and order, still uncompleted, to the Philippine Army in 1936.'[18] The most notorious of the encounters were the battles of Bud Dajo and Bud Bagsak in Sulu, the struggle of Datu Ali in Magindanao and the lake town campaigns in Lanao.

Impact in the Civil Sphere

US success in arms was effectively balanced with equally determined efforts in civil affairs, more specifically by tapping the *datus* for key roles in colonial government, by educating their children and through exposure programmes for the more obstinate *datus* to make them more cooperative.

The former Prime Minister to the Sultan of Sulu, Hadji Butu, was appointed Special Assistant to the US Governor of the Moro Province in 1904. He was the senator representing Mindanao and Sulu from 1915 to 1920. Datu Piang was a prominent leader of the Magindanao in the Cotabato Valley. He started his service as third member of the Provincial Board of Cotabato in 1915, then became a member of the House of Representatives in 1916 representing Cotabato. A ranking *datu* in Lanao, Datu Benito, represented Lanao in the same House. Other *datus* served in various capacities, a good number of them starting as third member of their respective provincial board. These personalities all actively supported the educational programme of the USA.[19]

US officials never underestimated the efficacy of education as a tool of conquest. A military veteran of the Mindanao campaigns, Colonel Harold H. Elarth, made this observation: 'With the older generation held in check by armed force and the younger being trained in these schools, civilization and a semblance of law and order began to spread over Moroland.'[20] General Arthur MacArthur, who headed US troops in the Philippines for a while in 1901, felt that there was 'nothing in the department of administration that can contribute more in behalf of pacification than the immediate institution of a comprehensive system of education', and saw education as 'closely allied to the exercise of military force in these islands'.[21] Thus, while Moro leaders were being tapped for important roles in the colonial government, special arrangements were made to enable sons and daughters of these leaders to obtain education.

The case of Sulu was instructive. A girls' dormitory managed by a Christian Filipino matron and financed by American ladies in New York was established in 1916 in Jolo. This contributed to breaking down Moro prejudice against sending daughters to school. Pupils were selected from the leading Tausug families; among them were Princess Indataas, the daughter of Datu Tambuyong, one of the principal *datus* of the Sulu sultanate, and Princess Intan, the sister of Datu Tahil.

US success among the general Moro population may be gauged from the enrolment figures. We are told that in 1900 'in the Moro areas of Mindanao some 25 schools were opened the first year with more than 2,000 pupils attending'. In the school at Jolo, however, as yet very few of the 200 pupils were Moro because their parents suspected that 'American schools would try to convert their children from Islam to Christianity'.[22] Three years later, '52 schools are now in operation in the Moro province . . . with a total enrollment of 2,114, of which number 1,289 are boys and 825 are girls. One thousand seven hundred and sixty-four of the students enrolled are Christians, 240 are Mohammedans and 110 pagan Bagobos.'[23] By 1913, 1,825 Moro and 525 pagans were enrolled in the public

schools of the Moro Province, and five years later Moro enrolment in the five provinces (Sulu, Zamboanga, Cotabato, Lanao and Davao) had increased to 8,421.

Independent-minded Moro leaders were invited to experience 'high civilization' in Manila or other areas north of Mindanao on what were called education trips, designed to soften resistance to colonial policy. Those usually selected to received these invitations were Moro *datus* and other headmen who were loud in their objections to political and social union with Christian Filipinos. Datu Alamada and Datu Ampatuan of Cotabato were among those who were transformed into avid supporters of colonial policy as a result of such trips. Datu Alamada, in particular, was reportedly insistent in his requests for schools, homestead surveys and colony organization for his people.[24]

Early Moves on Self-Determination

These devices, among others, proved to be most effective in redirecting the proud Moro spirit from active armed resistance to acquiescence. As with all similar peoples throughout the islands, Moro loss was twofold. They lost control of both their resources and their destiny. They became a people, neatly labelled, first as 'wild' or 'non-Christian' tribes in US colonial times, then through Republic Act No. 1888 in 1957 as 'national cultural minorities' who were to be prepared for eventual integration with the mainstream of the Philippine body politic. They could no longer exercise their right to self-determination. How did they feel about this situation?

When armed resistance died down, Moro leaders continued to articulate and revive the issue of self-determination in what appear to be early experiments in parliamentary struggle. In 1921, 52 Moro *datus* and five Americans – four of whom were residents of Sulu, while one had served there for many years and intended to be one – addressed a petition to the President of the United States, stating: 'it is the desire of the people of Sulu that Sulu Archipelago be made permanent US territory of the United States of America', should independence be granted to the northern provinces of the Philippines, and that law and order be maintained by US troops. Finally, 'the people of Sulu guarantee that we ourselves will maintain law and order in the event our territory is made a part of the American nation'.[25]

This was a curious petition because, while there was express resistance to becoming assimilated with the Philippines, there was a manifest desire to become integrated into the USA. Of course, the presence of five US signatures renders the petition suspect – but not completely so, if seen in the context of a similar petition sent to President Franklin D. Roosevelt in 1935 by 120 Maranao *datus* of Lanao led by Hadji Bogabong. Like those in Sulu, they expressly sought to remain under the tutelage of the US government, if and when independence was granted to the Philippines.[26]

In 1961, four years after the creation of the Commission on National Integration, Representative Ombra Amilbangsa of Sulu filed a bill seeking the separation of the Sulu archipelago from the Republic of the Philippines. As was to be expected, the bill did not prosper. But a message was delivered that not all was well on the Moro front.

Movement for Muslim Independence

In early 1968 the Moro hit the headlines again. The Muslim Independence Movement (MIM) headed by Datu Udtog Matalam – acknowledged among the Muslims of Mindanao and Sulu as the venerable Magindanao patriarch of the Cotabato Valley – issued a manifesto. This declared the desire for independence from the Republic of the Philippines for such Muslim-inhabited areas as Cotabato, Davao, Zamboanga, Zamboanga City, Basilan City, Lanao, Sulu, Palawan and other adjoining areas, islands and seas, and announcing the intention to establish an Islamic state. What were the reasons behind this move? The MIM made it clear that integration into the Philippine body politic was impossible. The Philippine government had been implementing a policy of isolation and dispersal of Muslim communities which was detrimental to the Muslims and to Islam. It was the duty of the Muslims to wage a *jihad* physically or spiritually to change their situation. Islam is a communal religion and a way of life that requires a definite territory for the exercise of its tenets and teachings and for the proper observance of its laws. Shortly after, the term 'Muslim' was changed to 'Mindanao' in the name of the organization in an apparent attempt to accommodate the non-Muslims.

It was not long before rumours of secret military training camps filled the national newspapers. In early 1970 the MIM had allegedly become so powerful that Datu Udtog Matalam Jr, then mayor of the town of Pikit, reportedly boasted at a peace conference that the MIM could wipe out Christian towns, including Cotabato City, if it wanted to.

'Christian' Counter-Moves

The next year, 1971, was to be a local election year. Seven politicians, some of them mayors in North Cotabato, and popularly called the Magic Seven, organized the Ilaga, a paramilitary organization that became known for its uncompromising anti-Muslim sentiments. It was composed initially, as reported in the media, of Ilongo (natives of the island of Panay). *Ilaga* means 'rat', but the Muslims preferred to call it the 'Ilongo Landgrabbing Association'.

The years 1969 to 1972, prior to martial law, were a period of indiscriminate violence between Muslims and Christians, with 1971 the peak year of the pre-martial-law crisis in Mindanao. With local elections imminent, the upsurge of violence had led Christian politicians to consolidate their forces in an attempt to ensure Christian control of local positions. Hardly a day passed without bloodshed on either side.

The conflict spread from North Cotabato to Lanao del Sur, Lanao del Norte and Zamboanga del Sur. But it did not overrun all the towns and was highly selective. The violence was confined to those places with a significant proportion of both Muslim and Christian in the population, and to those towns where rivalry between Muslim and Christian politicians was most intense. The general atmosphere of disorder opened plenty of room for bandits, and personal scores were settled. Military officers and men took sides. Politicians secured themselves. The general masses, both Muslim and Christian, were caught in the crossfire.

The most shocking event in North Cotabato was the massacre of 70 Muslim men, women and children in a mosque at Manili, Carmen, on 19 June 1971. The Muslims were gathered there for a peace conference. Once inside the mosque, they were machine-gunned and bombed. This appalled the whole nation, but nobody was held accountable. The massacre also added a religious dimension to the conflict. This would not be the last mosque to be desecrated.

So severe was the violence that President Marcos cited the state of chaos in Mindanao as one of two reasons for declaring martial law on 21 September 1972. The other reason was the Communists: the CPP-NPA.

The MNLF-BMA War of Liberation

After the declaration of martial law, the MIM was superseded by the Moro National Liberation Front-Bangsa Moro Army (MNLF-BMA). Within two months, the MNLF-BMA had launched a series of coordinated attacks on military outposts and announced to the world the struggle for independence of the Bangsa Moro ('Moro nation'). It declared the entirety of Mindanao, the Sulu archipelago and Palawan as the ancestral homeland of the Bangsa Moro, and its battlecry was: 'Victory or to the graveyard!'

From the last months of 1972 to December 1976, large-scale fighting raged in Moroland. No one knew the score of the dead, the wounded or the displaced. No one, not even the military, kept any record – or, if they did, this was never made known. One publication[27] made an estimate of deaths and injured and displaced people in the Cotabato provinces, the Lanao provinces, Sulu, Tawi-Tawi and the Zamboanga provinces from 1969 to the first quarter of 1976. This produced a combined total of 35,000 to 60,000 deaths, 31,000 to 54,000 injured and 260,000 to 350,000 displaced.

Mediation and Negotiations

Through the intervention of the Organization of Islamic Conference (OIC), the Philippine government and the MNLF agreed to meet at the negotiating table. The problem was to be set in a domestic framework and was to be resolved within the territorial integrity and sovereignty of the Republic of the Philippines.

The first formal talks, which failed, took place in Jeddah, Saudi Arabia, in 1975. The failure, according to Dr Adam Malik, Foreign Minister of Indonesia, was 'partly attributable to the complexity of the question, but certainly also due to the disproportionate demand put forward by the rebel faction headed by Mr Nur Misuari. To insist on a prior public declaration agreeing to the creation of an autonomous region, with a separate government and army, as a condition for the success of those talks, we believe, cannot be accepted by any sovereign government worthy of its name.'[28]

Another meeting was held in Tripoli, Libya, in December 1976. This resulted in the Tripoli agreement by which an autonomous region was established for the Muslims of the southern Philippines, consisting specifically of the 13 provinces of Davao del Sur, South Cotabato, Sultan Kudarat, Magindanao, Cotabato, Lanao del Sur, Lanao del Norte, Zamboanga del Norte, Zamboanga del Sur, Basilan, Sulu, Tawi-Tawi and Palawan. There were disagreements on how the document should be implemented. The government insisted on a plebiscite, to determine which of the 13 provinces would be willing to be part of the autonomous region, and proceeded with its own interpretation, emerging with the two autonomous regions, Region IX and Region XII, each with five provinces. The three provinces of Palawan, South Cotabato and Davao del Sur opted not to be part of the autonomy. The MNLF never accepted the government position and eventually reverted to its position of secession. This was the situation when Corazon Aquino assumed the presidency.

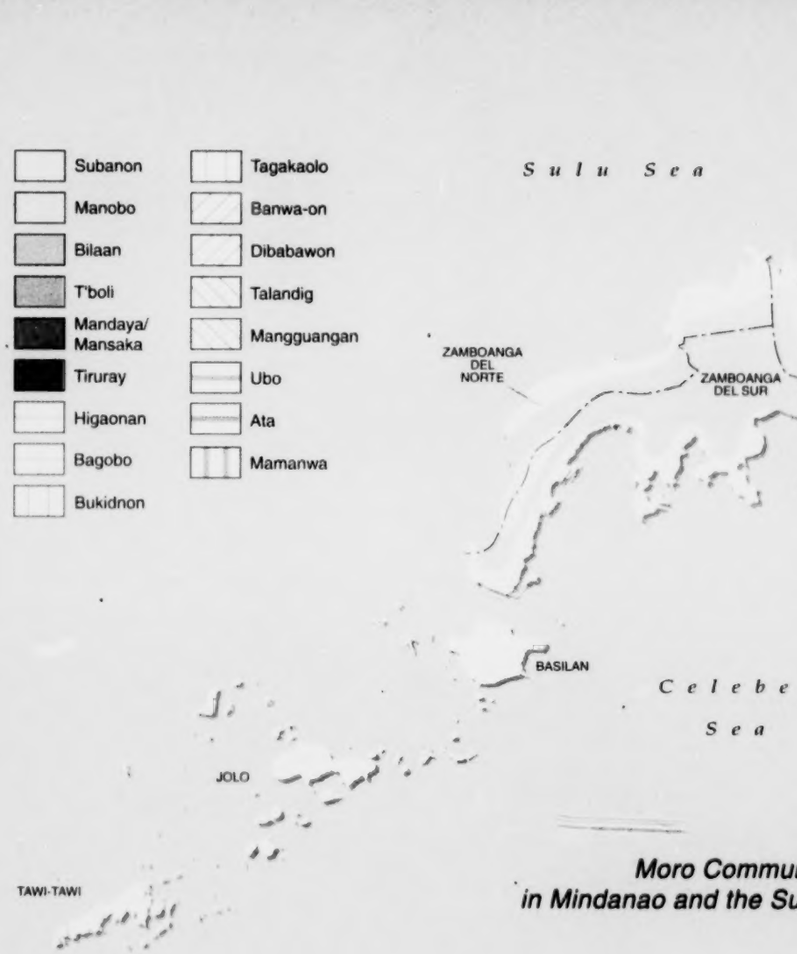
Provisions under the 1987 Constitution

A new round of talks took place between the new government and the MNLF-BMA in 1987, but these ended in deadlock. At the same time, however, a new charter was being drafted by the Constitutional Commission. The 1987 Constitution provided for specific steps to establish an autonomous region in Muslim Mindanao. The MNLF consistently stood against accepting the terms of the Constitution and took no part in the institution of the new autonomous region. Out of the 13 provinces and 9 cities which took part in the plebiscite, only the 4 provinces of Magindanao, Lanao del Sur, Sulu and Tawi-Tawi decided to be part of the Autonomous Region in Muslim Mindanao (ARMM) now in place.

Prospects for the Bangsa Moro

It is not possible to discuss the prospects for the Bangsa Moro struggle without mentioning the split within the ranks of the Bangsa Moro revolutionaries. The first signs of factionalism showed in late 1977 when, according to a prolific foreign author on Moro affairs, 'word was received from Jeddah that Nur Misuari had been ousted as MNLF Central Committee Chairman by Hashim Salamat because 1) he was veering away from Islam and following Communist methodologies and objectives; 2) he was arrogant, secretive and autocratic; and 3) he had lost the confidence of the MNLF rank-and-file'.[29] There then emerged the Bangsa Moro Liberation Organization (BMLO), which the same author referred to as 'a largely Maranao faction'.[30] In the early 1980s the Moro Islamic Liberation Front (MILF) appeared, identified with Hashim Salamat, a Magindanao. Not long after, the MNLF Reformists Group, led by Dimas Pundato, a Maranao, came into existence.

Thus, there are presently three factions, and the leadership of each one comes from one of the three major Moro ethnolinguistic groups: the Tausug of Sulu, the Magindanao based in Magindanao, and the Maranao of Lanao in north-central Mindanao. The OIC has continued to recognize the MNLF as the legitimate representative of the Bangsa Moro, and the government of President Aquino acknowledged this by negotiating with the MNLF in 1986-7 despite protests from the other factions. The rift continues to this day. The administration of President Ramos has so far expressed its desire to talk with all factions, not just one.



Moro Communities
in Mindanao and the Sulu Archipelago

Source: National Council ... hes - People's Action for Cultural Ties (NCCP-PAC ... 1988.

Lumad Communities
in Mindanao and the Sulu Archipelago

In the meantime, the ceasefire agreement between President Aquino and MNLF chairman Nur Misuari remains in effect. But the political settlement that the MNLF desires is still a dream. The quest for self-determination remains unfulfilled.

AMONG THE LUMAD: THE CASE OF MOUNT APO

Weighed down with foreign debts, payment for which constitutes close to 50 per cent of the national budget, the Philippine government has been incessantly searching for every possible source of commercial energy. Now the Philippine National Oil Company (PNOC) plans to drill geothermal wells in the Davao region of Mindanao, where the dormant' volcano of Mount Apo offers geothermal resources of vast potential.

Known to the indigenous Bagobo as Apo Sandawa, Mount Apo is a sacred mountain. In Bagobo tradition it was the home of Mandarangan, chief of the Bagobo war gods, also called 'the god of the sky for men'.[31] Tribal historians also claim that the human race sprang from the couple Toglai and Toglibon who lived in Mount Apo.[32]

Between 1905 and the Second World War, the US colonizers allowed Japanese corporations to open up large tracts of land in Davao for huge and profitable abaca (hemp) plantations. Some 600 Japanese plantation workers perished at the hands of the Bagobo between 1918 and 1938, when the corporations ruthlessly expanded their plantations into tribal lands.[33] Several of the Bagobo warriors, called *maganis*, were killed by the Japanese soldiers during the Second World War. But it seems that their fight did not end with the departure of the last of the Japanese Imperial Army. They now stand in opposition to the PNOC, acting in the name of the national government, which in turn is acting in the name of national development.

Mount Apo is not only of sacred importance to the Bagobo. Its ecological significance has been recognized by national and international bodies. The tallest mountain in the Philippines (2,954 metres above sea-level), and the habitat of the endangered Philippine monkey-eating eagle, Apo was declared a national park, together with the surrounding area (totalling 72,814 hectare), by executive proclamation on 9 May 1936. In the early 1980s it was listed as a heritage site by the Association of South East Asian Nations (ASEAN). It is also registered in the United Nations list of national parks and equivalent reserves.[34]

Lumad Opposition to PNOC Plans

In 1983 the PNOC began trying to obtain permits to explore the energy potential of Mount Apo, although the Revised Forestry Code clearly provided that 'National parks shall not be subject to exploitation and other activities of a commercial nature.' With unusual persistence, the PNOC was finally able to secure an 'environmental clearance certificate' in 1987 from the National Environmental Protection Council, now ' the Environmental Management Bureau. This was followed by a two-year exploration period, despite opposition from the Department of Environment and Natural Resources (DENR), which proved beyond doubt the vast power potential of the mountain. The PNOC reportedly plans to dig a total of 170 wells as part of the ten-year power development programme of the National Power Corporation (NAPOCOR). These wells are intended to supply steam to four power plants. The target is to produce 220 megawatts of electricity.

In the overall perspective of the power development programme of NAPOCOR, the ultimate aim is for geothermal energy to provide for 27.4 per cent of the nation's power needs by the turn of the century.[35]

In an attempt to stem the tide of growing tribal opposition, both NAPOCOR and the PNOC have reportedly agreed to set up an 'environmental and tribal welfare trust fund'. Also involved are the DENR, the Cotabato Tribal Consultative Council and the local government units of Cotabato. One centavo per kilowatt-hour of the net sales of NAPOCOR's generated power will be ploughed back into this fund, as well as 20 per cent of the royalty share of the local government units and the fund components of the annual environmental-management funds of NAPOCOR and the PNOC. The fund will be administered by the Multi-Sectoral Management Group which is comprised of the above, and other, government agencies.[36]

Early in February 1992, news leaked out that the PNOC was set to start full-scale drilling operations. The unconcealed entry into the Mount Apo area of hundreds of army troopers was proof of the seriousness of the PNOC's intentions. On 27 February 1992 about 8,000 demonstrators marched through the main streets of Kidapawan to protest the resumption of operations of the controversial Mount Apo geothermal power project and the alleged militarization of the project site. Bishop Pueblos of the Kidapawan Prelature and Congressman Andolana of Cotabato joined hands with the protesters. Participants from many areas in North Cotabato were stopped at various police and military checkpoints and asked to get off from their vehicles for inspection of bags and presentation of residence certificates.[37]

Not only did the demonstrators soundly reject the 12 February memorandum of agreement which allowed the PNOC to resume its road-building and geothermal well-drilling operations; they also accused the government of militarizing the area, through both the presence of army soldiers and also the formation of paramilitary units from among the indigenous communities.[38]

Opposition has come not only from the Bagobo of Davao. The Mount Apo area and its environs, encompassing portions of Davao City, Davao del Sur and Cotabato, are the traditional homeland of several ethnolinguistic groups, including the Tahabawa, the Jangan and the Ata on the Davao City side, the Kalagan and the Tagakaolo farther away in Davao del Sur and the Manobo in Cotabato. An alliance of the various tribal groups was established as early as April 1989, sealed with a *dyandi* or blood compact whereby the participants, 21 tribal leaders in all, vowed to defend Apo Sandawa to the last drop of their blood. Does this indicate a bloody turn in the opposition? Not necessarily. Their vow meant a readiness to set up barricades against the project or to bodily prevent PNOC personnel from entering the project site. It was clear to the participants that they must first exhaust all peaceful means, but there was the unmistakable implication that they would

resort to arms if pushed too far.[39] The leaders stated their position emphatically in Christian terms so that the people in the government would understand: 'Apo Sandawa is like your church to us . . . would you allow a hole to be bored into your church?'[40]

Divisions among the Lumad

The PNOC left no stone unturned. If the opposition had its *dyandi*, those in favour of the project had their *pamaas*, a propitiatory rite to appease Apo Sandawa and rid the geothermal project of evil spirits and curses which might interfere with its implementation. This, in fact, was specifically stipulated in the environmental clearance certificate issued by the DENR to the PNOC. On 10 March 1992, therefore, an 84-year-old Manobo presided over a *pamaas* at Lake Agko, held purposely to dispel the effects of the solemn vow of the *dyandi* participants nearly three years before. Mr Monico Jacob, head of the PNOC, Mr Pablo Malixi, head of the National Power Corporation, and ten other officials attended. As part of the ritual, these officials were conferred the rank of *datu* and other tribal titles. Then, two Manobo *datus*, under the guidance of the Office of Southern Cultural Communities, handed over to the officials a map of the 701-hectare Mount Apo geothermal reservation, an act relinquishing tribal rights over the area to the government. In exchange, the Manobo community, which is also identified with the Cotabato Tribal Consultative Council that took part in the *pamaas*, was reportedly promised jobs inside the power-plant site and a tribal fund that would come from plant operations.[41]

Barely a month later, on 17 April 1992, pro-PNOC Manobo tribespeople declared a *pangayaw* (tribal war or head-hunting expedition) against the indigenous groups opposing the project who had set up camp near the project site.[42]

Exactly a month after this, on 17 May 1992, the oppositionist *maganis* or warriors, headed by 85-year-old Bagobo Datu Tulalang Maway, a participant at the original *dyandi*, held another ritual, called *kanduli*, or *panipas* in Bagobo, at the peak of Mount Apo. Traditionally, this ritual took place before warriors went to battle. They prayed to Mandarangan, the Bagobo god of war, and asked for his blessings. They prepared for armed confrontation, although they stressed that violence would only be resorted to if they were attacked first.[43]

Meanwhile, the Communist New People's Army came on the scene. The government responded both by sending in the police units and army regulars (more than five battalions had been reported as early as March 1992, eventually increasing to 1,000 more men by mid-July), and also by organizing local tribal militias, reportedly 500-strong, deployed in and around the project site. In July 1992 a government agency offered a 40,000 peso reward for the head of Datu Tulalang, then the oldest living Bagobo *magani*.[44]

On 24 January 1993 a national newspaper reported an important event related to Mount Apo. It said:

> *'President Ramos yesterday lauded the formal signing of the memorandum of agreement among local officials and tribal leaders which provides for the continuation of the construction of the Mount Apo geothermal power plant project . . . Signatories to the agreement included Cotabato Gov. Rosario Diaz, Kidapawan Mayor Joseph Evangelista, Manobo Datu Artia Guabong of the Cotabato Tribal Consultative Council, Environmental and Natural Resources Secretary Angel Alcala, Energy Secretary Delfin Lazaro and Philippine National Oil Company President Monico Jacob.'*[45]

In a dialogue with President Ramos two hours after the signing, Lingka Ansula, a tribal representative for women from the opposition, said to the President: 'This is a day of sorrow for all people who stand up in defense of Apo Sandawa against the Philippine National Oil Company.'[46]

Widespread Violations

The Mount Apo question is not the only development programme to adversely affect the Lumad of Mindanao. The T'boli of South Cotabato have protested against the proliferation of fishpond leases held by outsiders at Lake Sebu. The Bukidnon and Manobo of Bukidnon Province are opposing the Pulangi Dam IV in the municipalities of San Fernando, Quezon and Maramag because of the strong possibility of inundation affecting farmlands and thousands of indigenous people. The Higaunon of Agusan del Norte and Misamis Oriental have been seriously affected by the continuous logging operations of big business in their ancestral area.

Indigenous community rights are being violated, and the communities themselves are being forcibly displaced to make way for so-called national development. This story is not new – the same pattern of dispossession goes back to the beginnings of Spanish colonialism.

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THE AGUS I HYDRO-ELECTRIC PLANT: WHAT PRICE ELECTRICITY?

'Energy crisis in Mindanao!' screamed Philippine newspaper headlines in late 1991. The National Power Corporation (NAPOCOR), which supplies almost the entire energy requirement of Mindanao, had cut its output by 50 per cent, resulting in power failures lasting for as long as 8 to 12 hours. NAPOCOR officials explained that the water level of Lake Lanao had fallen to a dangerous level and they could not sustain full operation of the hydroelectric plants dependent on it. More than 90 per cent of the electricity used in the region comes from a series of hydroelectric plants strung out along the length of the Agus River. The Agus flows from Lake Lanao in Lanao del Sur down to Iligan in Lanao del Norte. The situation improved a little in 1992, when power cuts were reduced to 35 per cent, or about three to four hours.[47] But there is no promise of greater improvement.

The consequences have been very grave for many, including factories in the industrial city of Iligan which have been forced to operate at only partial capacity. There is no telling yet how many billions of pesos in losses this will amount to for all concerned: the companies, the workers and their families, and the national economy.

In response, NAPOCOR offered the short-term solution of operating the Agus I hydroelectric plant in Marawi City – long completed but never yet put into service. Accordingly, since February 1993 it has been operating, although at less than full capacity.

An organized group of Maranao led by the Save Lanao Lake Movement (SALAM), however, has vehemently opposed this solution, for religious, cultural, economic and environmental reasons.[48] A genuine long-term solution, say the Maranao, will require coordinated reforestation and the banning of logging within the watershed area around Lake Lanao from which the hydroelectric plants take their water. Loss of power capacity is the direct consequence of the lowering of the water level of the lake – which, in turn, is due not only to El Niño, the heat spell that has brought drought to the region, but also to unmitigated logging in the lake watershed areas. The decision that will bring about the solution proposed by the Maranao is not in their hands. Several government agencies from the national, regional and local levels are involved. Never has the lack of electricity bothered so many people. It has also brought to the surface the complex chain of problems and events with which the Agus hydroelectric projects have become entangled.

Hydroelectric Power in Mindanao

Three interrelated factors have brought about the Philippine government's efforts to tap all of the country's energy resources. First, the country is 95 per cent dependent on imported oil, mainly from the Middle East. Secondly, the Arab-Israeli war of 1973 provided the occasion for the Arabs' refusal to export oil to all countries that supported Israel, and this included the Philippines. Thirdly, the Moro National Liberation Front had gained the support of the Malaysian state of Sabah, of Libya and of other countries of the OIC, which condemned the apparent oppression of the Muslim Filipinos and granted the MNLF observer status in its roll of members. It was largely these three factors which forced the Philippine government under President Marcos to negotiate with the MNLF under the auspices of the OIC.

This imperative led to urgent research into the energy potential of water and geothermal resources, coal, alcohol, ipil and charcoal, as well as sustained explorations for oil in the Sulu and Palawan seas (areas of which are claimed by the MNLF to be part of the ancestral homeland of the Bangsa Moro). The water resources of the country were getting a large share of attention and funding. One after the other, the public soon came to know about the Chico River Dam project in the Cordillera, the Agus River project in Lanao del Sur and Lanao del Norte and the Pulangi River project in Bukidnon, Cotabato and Magindanao provinces. To date, the government has identified altogether 52 sites for hydro-energy development to generate a total estimated capacity of 8,380 megawatts (MW): 30 in Luzon (5,374 MW) and 22 in Mindanao (3,006 MW).[49] This excludes the expected output from geothermal plants.

The biggest of these hydroelectric developments are those of the Agus and the Pulangi. Together they have an estimated generating capacity of 2,151 MW, which, according to a NAPOCOR official, is more than enough for the power needs of Mindanao for the next 75 years. Surplus power can then be channelled to Cebu, Negros, Panay and Bohol in the Visayas.[50] The Agus River development is composed of a series of seven hydroelectric power plants along the whole length of the river, from its source in Marawi City to its mouth in Iligan City. Total capacity is put at 944 MW.[51] The Pulangi River development consists of six dams, the first four in Bukidnon and the last two in Cotabato. This complex, which also includes an irrigation component, has an estimated power output of 1,003 MW.[52] Other smaller projects, with a combined capacity of 714 MW, are located in northern and eastern Mindanao.

Massacre in Saguiaran

Saguiaran is the site of the Agus II hydroelectric plant, completed nearly ten years ago with a power capacity of 180 MW. The land expropriated, occupied and fenced in by NAPOCOR to house three 60 MW generators and the staff residences comprises more than 2,090 hectares and represents some 13 per cent of the municipal territory of Saguiaran, Lanao del Sur. The area used to be divided into 149 family lots, all occupied by Maranao families.[53]

Some of the Saguiaran families resettled at Wao, Lanao del Sur, a municipality adjacent to Bukidnon. But in August 1975 fighting broke out between the MNLF and government forces. Fifty-nine of the new Maranao residents – men, women and children – were ordered to be dispatched back to Saguiaran, where military officials assured they would be safer. They were provided with a cargo truck. Only a handful of these people survived the

journey. Along the way, 42 of them, including a pregnant woman and six children, were massacred by the local militia, members of the government-organized Civilian Home Defense Forces, who were believed also to belong to the anti-Muslim paramilitary Ilaga. It was not an ambush, for the killers drove with them part of the way in a separate vehicle. Some of the valuables looted from the victims were later seen in military camps in the area. The yellow truck used by the killers belonged to a logging company and was repainted green after the incident.[54]

NAPOCOR president G. Y. Itchon reported afterwards that one NAPOCOR employee and three workers had been kidnapped, six transmission towers near Marawi had been toppled down, and 27 construction employees of NAPOCOR had been killed and 7 others wounded.[55] Secured heavily by an army detachment, Agus II looked like a garrison. At the gate stood a sandbagged bunker-checkpoint, euphemistically labelled a 'civilian assistance center', where soldiers stopped and searched passing vehicles, including public transport plying the Iligan-Marawi route.[56]

Maranao Opposition to Agus I

The hardline stance of the Save Lanao Lake Movement (SALAM) at the start was for scrapping Agus I. Located at the mouth of the lake in Marawi City, Agus I serves as an artificial outlet, an addition to the natural one of the Agus River. Because of this, it is highly suspect as the additional cause of the lowering of the lake's water level.

Concern had been voiced over the falling water level as early as 1978. Between June and November of that year, it was noted that the water level fell by 1.8 metres. First to be affected were those wet-rice farmers whose livelihood depended directly on the water level; a lower water level means ruined rice paddies. Also, the lake towns which constitute the majority in Lanao del Sur have their community mosques situated by the lake. They need the water for their pre-prayer ablutions. The lowering of the water level means they have to wade through mud before and after ablution, a situation absolutely unacceptable to a Muslim.

The intimate relationship between the people and the lake is affirmed by two Catholic church officials in Marawi City. According to Bishop Fernando Capalla and Rev. Father Des Hartford: 'Disturbing the lake's stability greatly affects the Maranao's culture and religion. You touch the water of Lake Lanao, and you practically touch the lives of thousands of Maranao living around the lake.'[57]

Besides, the Maranao who live around the lake feel that the water is their own. They say that they supply the water for the electricity, yet they get nothing from that electricity. NAPOCOR takes the electricity for the factories in Iligan, while Marawi City has no factories. Even their electricity bills are high.[58]

Fearing that old prejudices may be rekindled, Rev. Hartford comments:

> *'There is a conflict of value system between the Maranao and the lowland people. The Maranao since time immemorial have regarded the lake as the basis of their culture. They do their ablution in the lake, they fish in there, and their farms in the "basak" (rice paddy) area are greatly affected. They are very intent on saving the lake. But the people of the lowland regard the power generated from the lake as a source of income and livelihood. They don't see the destruction of the lake, as long as their needs are met. NAPOCOR and non-Maranao see the lake as a resource to be exploited rather than as a treasure to be cherished and maintained.'*[59]

Since late 1992 SALAM has softened its opposition, and it agreed to participate in an independent working group set up by the Senate Mindanao Affairs Committee. The working group was composed of engineers from the University of the Philippines, from the Mindanao State University in Marawi City and from NAPOCOR, as well as the representatives from SALAM, and was asked to look at the feasibility of operating Agus I. One of its 17 recommendations was the construction of a dike at the mouth of the River Agus in Marawi City to raise the water level to not lower than 699.15 metres above sea-level (masl). The water level used to be an average of 701 masl but has fallen by two metres recently due to the prolonged dry spell. NAPOCOR president Pablo Malixi was amenable to the idea but preferred the level to be 698.15 masl instead, in order to draw more water for other plants downstream. He also stressed that NAPOCOR engineers do not consider the dike necessary.

The effect of massive logging operations in the watershed area has also been examined. Governor Liwa Candao of the Autonomous Region in Muslim Mindanao, within whose jurisdiction Lanao del Sur now falls, has issued Proclamation No. 6 whose intentions are explained in its title: 'Establishing the Lake Lanao Watershed Reservation Area, Delineating its Boundaries and Providing Measures for its Protection and Preservation'. The proclamation covers public domain (i.e. land assumed to be state-owned) in 25 out of the 37 towns of Lanao del Sur.[60]

Everyone concerned hopes that these arrangements will be honoured for the good of all.

PROSPECTS FOR PROBLEM RESOLUTION AND PEACE

What do the indigenous communities want? They ask to be recognized as they are, with their distinct cultural identities, with their own traditional territories considered essential to their survival and dignity.

What the Moro Want

Speaking for the Moro people, the MNLF originally wanted an independent Bangsa Moro Republic whose territory would be the entirety of Mindanao, the Sulu archipelago and Palawan, or simply Minsupala. They agreed to modify this to regional autonomy based on the 1976 Tripoli agreement covering a territory of only 13 provinces and 9 cities. Due to failure to resolve certain details, this agreement was never fully consummated. In another round of negotiations, this time with the Aquino government, the MNLF shifted to full autonomy for the same Minsupala region. The ratification of the 1987 Constitution with its own provisions on restricted regional autonomy intervened, and the talks collapsed again. The MNLF rejects the Constitution as the basis for any talks.

Other groups, like the Moro Islamic Liberation Front (MILF), have consistently demanded the implementation of the Tripoli agreement. The MNLF keeps trying to get full membership status at the Organization of Islamic Conference. And the MNLF Reformists Group has apparently shifted to purely parliamentary activities; its leader was appointed director of the Office of Muslim Affairs in the Aquino government and he has continued to work in the government service.

In the meantime, the Autonomous Region in Muslim Mindanao created under the 1987 Constitution is in place in the four provinces of Magindanao, Lanao del Sur, Sulu and Tawi-Tawi. But what of the many thousand other Muslims outside the autonomous region?

Lumad Aspirations

Through their organization Lumad Mindanaw, the Lumad have said that they want the government to recognize their ancestral lands. They seek genuine self-determination. This does not preclude their voluntary support for a national form of government within the territorial integrity of the Republic of the Philippines. They prefer self-government within their ancestral lands, in accordance with their customary laws. What concrete form this will take within the government structure, however, has yet to be determined.

The Lumad want the return of all lands taken from them through deceit, harassment or illegal manipulation. They also seek to recover lands within tribal territories which have been mortgaged, confiscated or declared public lands because of loans for commercial trees like falcatta, rubber and ipil-ipil. They want the government to revoke permits secured by individuals and companies operating logging, mining, pastures, rattan gathering and other agri-based industries within tribal territories. Such operations should be permitted in areas of ancestral domain, the Lumad say, only with the sanction of individual tribes through their legitimate organizations. The migration of settlers into the ancestral domain of the tribal people must also be controlled.[61]

Having seen their indigenous culture laughed at by those of the majority, and having observed how their children's culture has been eroded year after year in the school system, the Lumad also feel the need to keep alive and uphold their own history, material culture, religious customs and healing practices. Many of them believe that these should be learned, respected and taught as part of the curriculum of the Department of Education, Culture and Sports. This way their children will be educated and still remain indigenous in identity.[62]

The Lumad assert that the government should likewise disband paramilitary units and stop militarization in their territories, halt recruitment of Lumad into paramilitary units and stop the incorrect application of the Lumad *pangayaw* (revenge raids).[63] Finally, the government should cease recognizing fake Lumad organizations and fake *datus* – this has become standard practice not only to foil or diffuse legitimate Lumad aspirations but also to advance the interests of government officials and their influential friends, including the acquisition of Lumad ancestral lands.[64]

Conclusions from the Past

The following conclusions may be drawn from the Lumad and Moro experience.

First, the policies and laws which originally brought misfortune to the indigenous communities were initiated by the colonizers, first by Spain and then by the USA. But the greater misfortune is that the Philippine government has continued the same policies and laws which multiplied the misfortunes of the indigenous communities. And now that the Western colonizers are gone, only the Philippine government can resolve the accumulated problems.

Secondly, these indigenous peoples have been highly vulnerable and easily manipulable, making them fair game for the so-called majority population. The communities have numerous documented accounts of their own showing how they were deceived into parting with their lands.[65]

Thirdly, while the majority have pursued selfish gains at the expense of the indigenous communities, at the same time, a good number of indigenous people holding positions of traditional leadership have broken customary law by disposing of ancestral lands for selfish gain, thus further weakening their own people's defences. A recent phenomenon has been the emergence of fake *datus* who are encouraged and supported by the government for purposes other than the benefit of their people.[66]

The fourth conclusion is a result of the first three. The indigenous peoples, especially the Lumad, find themselves at the receiving end of two distinct but inseparable contradictions, two conflicting systems of property which seem to be irreconcilable: (a) public domain as against ancestral land; and (b) Western-oriented property law as against indigenous law.

The lesson seems to be that the indigenous communities must hold on to their respective ancestral lands as they would to their own dear lives, for there is so little that is left. Genuine self-determination appears to be the best option, but they have no illusions that this is going to be easy work. Unity within their own ranks has to be improved.

Land Rights and Legislative Reforms

Responsive legislative reforms, where they involve the demands of the indigenous communities, leave much to be desired. The state machinery is painfully slow to extricate itself from the colonial past. Despite a number of favourable provisions in the 1987 Constitution, Congress has failed to pass the two bills on ancestral domain. The legislators have missed a golden opportunity to break away from the orientation advanced by the Commission on National Integration.

In the crucial sphere of land laws, the root of the present problem affecting the communities is the Regalian doctrine, which has been at the heart of the Philippine property system since the arrival of the Spanish colonizers, at the expense of indigenous institutions. The natural resource classification has been a sacred provision, carried over from the US-instituted Philippine Bill of 1902, incorporated into the 1935 Constitution, embedded in the 1973 Charter and very much a part of the 1987 Constitution. Forest and mineral lands or lands of the public domain are held to be non-disposable and inalienable; only agricultural public lands may be privately owned.

The 1987 Constitution states in section 3 of Article XII:

> *'Lands of the public domain are classified into agricultural forest or timber, mineral lands, and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted. Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and not to exceed one thousand hectares in area. Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead or grant.*
>
> *'Taking into account the requirements of conservation, ecology, and development, and subject to the requirements of agrarian reform, the Congress shall determine, by law, the size of lands of the public domain which may be acquired, developed, held, or leased and the conditions thereof.'*

What happens to the indigenous occupants? They become squatters on their own land. All proceedings under the Public Land Act are based on the assumption that such land is part of the public domain. Through the application of the Public Land Act even to ancestral lands occupied since time immemorial, it is assumed that these lands are owned by the state in accordance with the Regalian doctrine.[67]

It did not matter that the ownership of ancestral lands by the indigenous occupants predated the advent of the Republic of the Philippines or even its predecessor, the Spanish Regalia, from which all claims to land are supposed to originate. Making the Regalian doctrine an even more bitter pill to swallow is the fact that ancestral land never did come under the effective control of Spanish colonial government. 'Ownership, therefore, of ancestral land has long been vested and, in most cases, was never interrupted.'[68] But under the Regalian doctrine, such claim of original ownership has no legal standing.

In the past, the classification of lands into timber and mineral automatically converted ancestral lands into inalienable public domain. As if this were not enough, the Marcos regime introduced through the Revised Forestry Code and the 1976 Ancestral Decree a ruling that lands with an 18 per cent mountain slope are automatically classified as forests and, hence, inalienable; those below the 18 per cent slope mark may also be declared inalienable public land by the mere expedient of classifying them as public reservation areas.[69]

Given the constitutional shield on the Regalian doctrine, it seems certain that any major change in the property system will have to be premised on a constitutional amendment. Until then, what are the prospects of legislative reform, or of government recognition of ancestral lands? Much will depend on the willingness of the next Congress to understand the nature of the problem and to manifest political will in favour of the indigenous peoples.

However, the outlook is brighter in other fields which do not require legislative action and where intervention from the executive branch of government will suffice. For example, government-approved social studies textbooks in Philippine elementary schools carry many distortions of fact, or simply omissions, on matters related to the Lumad and Moro. If this is remedied, negative sentiments about them are less likely to be fostered in the minds of young children. Government recognition of fake *datus*, which has caused considerable confusion and demoralization, can also be withdrawn and rectified.

Consolidation of Forces

Inner transformation within the ranks of the indigenous communities has been occurring for some time now. The Bangsa Moro are visibly the more militant, given their long and extensive experience in centralized activities and in confronting external enemies. (Yet even they must face disagreements within their ranks. The divisions in the MNLF which led to the establishment of other factions like the MILF and the MNLF Reformists Group are proof of this.) The Lumad, by contrast, remain unarmed. But both are experiencing a fast pace of awakening.

Among the Lumad, events have unfolded quickly, from the time of the Church-initiated first intertribal assembly in 1977, which had only a handful of participants, then called 'Tribal Filipinos', to the founding congress of Lumad Mindanaw in 1986. Lumad Mindanaw was initially constituted by a coalition of 78 local and regional all-Lumad organizations.[70] The coalition was born in the context of the Marcos dictatorial regime, in an atmosphere of militarization, human rights violations, poverty,

land-grabbing, intrusions by multinational corporations and government neglect. The aspiration and struggle for self-determination were seen as both a desirable process and an ultimate goal. Traditional custom is followed in the assemblies of Lumad Mindanaw. Analysis of problems and the search for solutions are consciously consultative, participatory and consensus-oriented.

In the recent past, a good number of groups have emerged to support the Lumad in their struggle, the most active being KADUMA Lumad. Public forums like the Second Ancestral Land Congress, with public officials invited, have been held.

Returning to the Moro, it is not easy to gauge how the MNLF or the MILF will move forward in their struggle. At present, the Autonomous Region in Muslim Mindanao is in place. The revolutionary organizations seem to be inactive, but MNLF leaders are following up their application for membership of the OIC. There are occasional demands for the implementation of the Tripoli agreement, but the search also continues for political processes that can truly respond to the Moro's legitimate call for a more genuine form of autonomy.

The indigenous peoples of Mindanao are pursuing their quest for an authentic peace, whereby sustainable development can take place as a social process, initiated, activated and sustained by the very people who seek it. This might take the form of self-government. However, only forms of self-government which are initiated and sustained by the people of Mindanao themselves will provide the conditions in which Lumad, Moro and Christians can live in peace as neighbours.

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DIRECTIONS FOR THE FUTURE

'For us, land is sacred, a gift to our ancestors . . . If we lose this, it also means we lose our life, and ancestors. Taking away our land is plucking our life because we draw our life from this land. We the Lumad are deeply troubled because of the loss of our ancestral lands. The problem will only be solved if the government recognizes our ancestral lands.'

The Philippines is a complex society with immense problems. The people of Mindanao have been among the most economically deprived, and are now bearing the cost of land loss, environmental degradation and militarization attendant upon national development programmes. Their concerns need to be addressed through a realistic and pragmatic assessment of the challenges faced by the Philippines as a whole. It must also be remembered that the Lumad and the Moro share a common land but have different histories and political aspirations. These should be taken into account in all future policies.

Recognition of Ancestral Domain

The Government of the Philippines should:

1. Recognize the indigenous peoples' right to their ancestral domain, which affirms their fundamental right to life.
2. Reclassify lands in the country, taking into consideration the traditional property and land-use system of the indigenous communities.
3. Compensate indigenous communities for land losses resulting from state infrastructure projects. Enact laws providing for a system of compensation for the use or exploitation of natural resources found within areas of ancestral domain by private or government corporations.
4. Create a presidential commission that will make a study-survey delineation and registration-titling of all areas of ancestral domain and ancestral lands, without precluding the possibility of individual titles. The findings should be the basis for legislation on ancestral domain and ancestral lands.
5. Stop all ongoing government enterprise and development projects that intrude into and destroy ancestral domain. Provide reparations for indigenous communities whose lands have already been despoiled.
6. Recognize indigenous resource management systems specific to each tribe to cover their care of and control over forests, watershed areas, mineral ores, flora and fauna, and all other natural resources found within their domains.

Political Rights

The Government should:

1. Remove from existing legislation provisions which are discriminatory against or repugnant to the interests of the indigenous communities, or inconsistent with their customary laws.
2. Recognize indigenous customary laws, especially those pertaining to marriage, inheritance, settlement of disputes and traditional political leadership structures, as part of the legal system of the country. Encourage the continuous review of the gender implications of customary laws.
3. Declare sizeable areas of ancestral domain to be local government units and legalize the government of the same in accordance with indigenous customary laws.
4. Ensure indigenous representation in those larger political units which are partly made up of an area of ancestral domain. Forms of selection of, and consultation with, indigenous representatives should respect indigenous forms of decision-making.
5. Appoint a sectoral representative for the indigenous communities in the House of Representatives as provided for in the 1987 Constitution from nominees coming from legitimate organizations of indigenous people.
6. Ensure full participation of the indigenous peoples in the peace process, especially in the peace talks.

Basic Human Rights

The Government should:

1. Provide compensation for lives taken in the course of military, paramilitary or police operations in the past.
2. Declare areas of ancestral domain to be peace zones. The same shall be properly recorded or registered at least by the local offices of the Department of Interior and Local Government for dissemination to the appropriate military and police units.
3. Secure immediate and full implementation of Memorandum Orders No. 393 – Directing the AFP (Armed Forces of the Philippines) and the PNP (Philippines National Police) to Reaffirm their Adherence to the Principles of Humanitarian Law and Human Rights in the Conduct of Security/Police Operations, and No. 398 – Providing for Policy and Guidelines on the Delivery of Goods and Services in the Countryside.

Education, Language and Culture

The Government should:

1. Integrate into the appropriate textbooks at all levels of education accurate and adequate information about the indigenous communities to create among the young a new atmosphere of mutual acceptance.
2. Use local languages as a medium of instruction in schools located within the areas of the indigenous communities.

3 Conduct a study on the applicability of traditional sustainable development practices of the indigenous communities throughout the Philippines.

International Donors – Governments and Agencies

1 The Philippines has a growing population and limited resources. Development is therefore a priority but it should not be at the expense of the indigenous peoples. International donors and foreign investors have a responsibility to ensure that aid benefits the poorest, including the indigenous peoples.

2 Indigenous resource management should be recognized as effective sustainable development and supported accordingly.

3 Donor governments and large agencies should stop aid which is destructive of indigenous land or culture.

Non-Governmental and Human Rights Organizations

1 NGOs should plan and implement projects which have an impact on indigenous people only with the full participation of indigenous peoples. Forms of consultation with indigenous communities should respect indigenous forms of decision-making.

2 NGOs should respect the spiritual and religious beliefs of indigenous peoples and not seek to replace them with their own.

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